

On motion of Senator Houston, the rule was further suspended to place the bill on its third reading by the following vote:

YEAS—25.		
Buchanan of Grimes	Homan,	Powers,
Burges,	Houston,	Shannon,
Cooper,	Lair,	Stubbs,
Davenport,	Lane,	Swain,
Duncan,	Lightfoot,	Terrell,
Gooch,	Martin of Cooke,	Tilson,
Harris,	Martin of Navarro,	Weatherred,
Henderson,	Patton,	Wynne.
Hightower,		

NAYS—none.

NOT VOTING.

Buchanan of Wood.

Bill read third time and passed.

Senator Lair being next on roll, called up Senate bill No. 174, entitled "An act to amend the stock law." Bill read second time.

Senator Houston, by leave, introduced a bill entitled "An act to amend title 34 of the Revised Civil Statutes of the State of Texas, by adding articles 1665a and 1665b, and to amend articles 1689 and 1702 of the election laws of the State of Texas, and to provide for creating election precincts in unorganized counties." Referred to Judiciary Committee No. 1.

(The President in the chair.)

Senator Martin of Navarro, called up House bill No. 385, entitled "An act to repeal 'an act to diminish the civil jurisdiction of the county court of Navarro county, and to conform the jurisdiction of the district court of said county to such changes,' approved July 2, 1879."

Bill read second time and passed to third reading.

Senator Martin of Navarro, moved the suspension of the rules to place the bill on its third reading. Carried by the following vote:

YEAS—23.		
Buchanan of Grimes	Duncan,	Lair,
Buchanan of Wood,	Gooch,	Lane,
Burges,	Hightower,	Lightfoot,
Cooper,	Homan,	Martin of Cooke
Davenport,	Houston,	Martin of Navarro,
Powers,	Swain,	Weatherred.
Shannon,	Terrell,	Wynne.
Stubbs,	Tilson,	

NAYS—none.

NOT VOTING—3.

Harris, Henderson, Patton.

Bill read third time and passed by the following vote:

YEAS—22.		
Buchanan of Grimes,	Homan,	Shannon,
Buchanan of Wood,	Lair,	Stubbs,
Cooper,	Lane,	Swain,
Davenport,	Lightfoot,	Terrell,
Gooch,	Martin of Cooke,	Tilson,
Harris,	Martin of Navarro,	Weatherred,
Henderson,	Powers,	Wynne.
Hightower,		

NAYS—none.

NOT VOTING—4.

Burges, Duncan, Houston, Patton.

Senator Gooch entered a motion to reconsider the vote passing this bill.

On motion of Senator Hightower, Clarence Lane, a page of the Senate, was excused on account of sickness.

Senator Powers, being next in order, called up substitute for Senate bills Nos. 30 and 70, "An act to establish the Twelfth, Fourteenth, Seventeenth, Twentieth, Thirtieth and Thirty-third Judicial Districts, and prescribing the times of holding the courts therein; and to provide for the appointment of a district attorney in the Twentieth and a district judge in the Thirty-third Judicial District, and to

provide for holding terms of the district court in certain unorganized counties," the motion pending being to reconsider the vote passing the bill. Carried.

Senator Burges offered the following amendment:

Amend by striking out the word San Saba, in line 23, section 3; by inserting the word San Saba in line 2, section 6, after the words 'counties of Gillespie;' by striking out that part of section 9 that relates to the holding of courts in San Saba county; and by substituting the following for section 12:

Sec. 12. That the district courts, in the Thirty-third Judicial District, shall be held as follows: In the county of Gillespie, on the first Mondays in March and September, and may continue in session two weeks; in the county of Llano, on the third Mondays in March and September, and may continue in session two weeks; in the county of San Saba, on the fourth Mondays after the first Mondays in March and September, and may continue in session two weeks; in the county of Mason, on the sixth Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Kimble, on the seventh Mondays after the first Mondays in March and September, and may continue in session two weeks; in the county of Menard, on the ninth Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Concho, on the tenth Mondays after the first Mondays in March and September, and may continue in session one week; in the county of McCulloch, on the eleventh Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Brown, on the twelfth Mondays after the first Mondays in March and September, and may continue in session two weeks; in the county of Coleman, on the fourteenth Mondays after the first Mondays in March and September, and may continue in session two weeks; in the county of Runnels, on the sixteenth Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Tom Green, on the seventeenth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of.

Senator Davenport moved to recommit the bill and pending amendment to Committee on Judicial Districts.

Senator Gooch moved the previous question on the motion to recommit. Motion seconded and main question ordered.

The motion to recommit was adopted.

Senator Henderson entered a motion to reconsider the passage of Senate bill No. 222, "An act to establish the Thirty-sixth Judicial District, and to provide for the appointment of a district judge and district attorney therein, and to conform the Twenty-second and Twenty-fourth Judicial Districts thereto."

On motion of Senator Lane, Senate adjourned until 9:30 A. M. to-morrow.

FORTY-SECOND DAY.

SENATE CHAMBER, }
AUSTIN, March 1, 1881. }

The Senate met pursuant to adjournment; the President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Harris, the reading of the journal was dispensed with, and the same adopted.

Senator Henderson called attention to a typographical error in the journal.

Senator Weatherred presented a petition of citizens of Sabine county, asking a constitutional amendment prohibiting the manufacture, sale and importation of intoxicating liquors in Texas. Referred to Committee on Constitutional Amendments.

Senator Lane presented a petition of citizens of Karnes county, asking that the jurisdiction of the county court of said county be restricted to probate matters alone. Referred to Judiciary No. 1.

Senator Powers presented a petition of citizens of Hidalgo

county, asking that the Revised Statutes be so amended that when an emergency shall arise sheriffs may call upon the Texas Volunteer Guards to assist in executing criminal process. Referred to Committee on Frontier Protection.

Senator Powers, chairman of Committee on Public Claims and Accounts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 1, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Claims and Accounts, to which was referred the claims of Wm. Scanlan, have had one of them under consideration, and have instructed me to report the accompanying bill and recommend its passage.

The claim in question arose while said Scanlan was sheriff of Cameron county, for the transportation of prisoners to the State penitentiary at Huntsville, and the payment for guards. The then inspector of the penitentiary refused to audit the account, and Mr. Scanlan brought suit in the District Court of Walker county to compel him to audit the account by mandamus. The district court gave judgment in favor of the plaintiff as follows, a jury being waived: "And after hearing the evidence, the court finds the facts to be proved as alleged in plaintiff's petition, and is of opinion that the law is for the plaintiff, and that the writ of mandamus should be awarded as prayed for, it being the ministerial duty of said defendant inspector, etc., to audit sheriffs' claims for carrying prisoners to the penitentiary, and allow pay for such number of guards as are authorized by district judge if actually employed.

"And it further appearing by the evidence that at the April term, 1873, of the District Court of Cameron county the plaintiff, then sheriff of said county, was authorized by the presiding judge to employ two guards to convey the prisoners then convicted to the penitentiary; and at the August term, 1873, of said court was authorized to employ ten guards to convey five convicts then convicted to the State penitentiary; and that said guards were actually employed by the sheriff and services as such employed. And it further appearing that the respondent, inspector, etc., only allowed, in auditing his claim for said services, plaintiff a certificate for one guard in the first case and three guards in the second case, and refused to allow any more; and that under the law, plaintiff was justly entitled to a certificate for the full number of guards as allowed him by the district judge, to-wit: two in the first case and three in the second.

"It is therefore ordered and decreed by the court that the respondent, J. K. P. Campbell, inspector of the State penitentiary, be and he is hereby required and commanded to give plaintiff a certificate in addition to the certificate heretofore given for one guard to convey prisoners of said April term, 1873, of Cameron county District Court, and for seven guards for conveying prisoners of said August term, 1873, at the rate of ten cents a mile each way from Brownsville, the county seat of Cameron county, to Huntsville, the location of the penitentiary, said certificate in form and terms of the law in such cases provided."

The committee find that this judgment was rendered on the twenty-fourth day of July, A. D. 1875, and that the defendant, inspector, etc., appealed from said judgment to the Supreme Court of the State. The said appeal was dismissed in the Supreme Court for want of prosecution on the twenty-sixth of March, 1880, and that the defendant inspector had died before that time.

And that Thomas J. Goree, the present Superintendent of the Penitentiary, was one of the sureties on the appeal bond of the defendant inspector, to the Supreme Court.

That the amount claimed by said Scanlan, in said mandamus proceeding, was for a balance on his whole account of \$1,700, after allowing a credit of \$900, amounting to the sum of \$800.

That, in the judgment of the committee, the claimant, Scanlan, is entitled to interest on this amount, at eight per cent per annum, since the date of said judgment on July 24, 1875, leaving out of view his claim for interest from the accrual of his claim to the date of his judgment.

Your committee find that the judgment, as above stated, has been presented to the present Superintendent of the Penitentiary, and that he refuses to audit the same, or to issue his certificate on the same, so as to enable the claimant, Scanlan, to draw the amount at the Treasury, for the alleged reason that he, as Superintendent, is not the same officer as the late Inspector, etc.

Your committee do not regard this as a valid objection, although the present Superintendent carries a different name from that of the late Inspector, yet, in respect of his duties in all that relates to the reception of convicts from the hands of sheriffs, and the auditing and approval of their accounts, he is identically the same officer; and your committee can see no reason in law, morals or public policy that should require the claimant, in this case, to further pursue his

legal remedy. He has served the agent of the State as he was at the time authorized to do. He has obtained a legal judgment. The court was one of acknowledged jurisdiction, having jurisdiction of the parties and the subject matter, and by all reasonable rule of action should be regarded *res adjudicata*.

Your committee consider that all parties to the litigation, under these circumstances, are alike bound by it.

The State agent was sued; he suffered judgment; he appealed; and, if the State was not satisfied, it should have seen to it that the case was presented in the appellate court. Your committee consider that the State, as a party, whether strictly so regarded in this instance or not, and as all parties, whoever they be before the court, are bound by its judgment.

The principle that underlies this question, affecting the peace of society and the security of the citizen, is no less to be invoked from the character of the parties to it; that there must be an end to litigation; that, when parties have had their day in court, they and their privies are alike bound by its decisions; and your committee consider that the State, in this case, was substantially a party, and at least privy to it, and so is bound by the judgment. And we, also, consider that, as the present Superintendent was a direct party to the appeal, he is bound by the legal effect of the judgment as a party and privy to it, and is therefore officially bound by the judgment.

Respectfully submitted,

POWERS, Chairman.

The following minority report was also submitted:

COMMITTEE ROOM,
AUSTIN, March 1, 1881.

Hon. L. J. Storey, President of the Senate:

A minority of your Committee on Public Claims, to whom was referred the claim of one Scanlan, of Cameron county, beg leave to dissent from the report of the majority of said committee in so far as the same report a bill for the relief of said Scanlan, for that we think that the proposed bill is one of private relief, and cannot be considered by this Legislature, without the required publication of notice that such relief would be asked. No evidence of such a published notice has been presented to said committee; and we are therefore of opinion that the proposed bill is not authorized by the Constitution.

WYNNE,
HIGHTOWER.

Bill read first time with majority and minority reports.

Senator Hightower, chairman of Committee on General Land Office, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 1, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on General Land Office, to whom was referred Senate memorial No. 40, being a memorial from D. E. Greer, county surveyor of Navarro county, asking for the passage of a law making the office of county surveyor an office of record, and prescribing the duties of county surveyor thereunder, have considered the same, and have instructed me to report that, whereas a bill upon the subject has already been passed in the Senate, and another of similar character is pending in the House; therefore, there is no necessity, in the opinion of this committee, for further action upon this memorial.

HIGHTOWER, Chairman.

Bill read first time.

Senator Gooch, acting chairman of Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 25, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill 183, to be entitled "An act to provide for the making of post mortem examination of the bodies of dead persons in this State by competent physicians, when required by the officer holding an inquest, and to provide for the payment of a reasonable fee to the physician making the same," have had the bill under consideration, and I am instructed by the committee to report it back to the Senate with the recommendation that it do pass.

The necessities of such a law was forcibly pointed out by the Attorney-General in his communication to the Governor upon the subject of necessary amendments to the criminal laws, and we are of opinion that the passage of this bill will, to a great extent, remove the doubts that so frequently arise in the prosecution of persons charged with murder, as to the means by which the deceased came to his death, and without some power lodged in the hands of the officer holding an inquest to compel such examination, where there is a doubt as to the cause of death, it will rarely be made; and to

compel a physician to make such an examination without reasonable compensation would be unjust to the medical profession.

Gooch, Acting Chairman.

Bill read first time.

Senator Buchanan of Wood, chairman of Committee on Educational Affairs, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 1, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Educational Affairs have considered petitions Nos. 30 and 31, and Senate bills 61, 64 and 158, providing for the establishment of additional normal schools, and instruct me to report the same back to the Senate recommending that they do not pass.

The committee deem it inexpedient to increase the number of normal schools at present; but are of opinion that the capacity of the normal schools already established should be increased, and recommend increased appropriations for that purpose.

BUCHANAN of Wood, Chairman.

The following minority report was also submitted:

COMMITTEE ROOM,
AUSTIN, March 1, 1881.

Hon. L. J. Storey, President of the Senate:

The undersigned, a member of your Committee on Educational Affairs, respectfully dissents from the report of the majority of the committee adversely to petitions Nos. 30 and 31, and Senate bills Nos. 61, 64 and 158, and against the establishment at this time of any other normal schools.

The undersigned believes that the time is propitious for the establishment of such schools, both from the present sound financial condition of the State government and the temper of the people, as evidenced by the large number of places applying for normal schools, and the liberal donations of buildings and grounds offered by them to the State.

The normal schools already established have met and surpassed the most sanguine expectations of the people; and it is submitted that the amount of money required to establish and conduct such schools, supplemented by the liberal donations offered, will accomplish more good to the cause of education in this State than the same amount of money could do devoted to any other purpose.

And in view of the great demand in this State at this time for competent teachers, and the difficulty in supplying the demand, the undersigned would recommend the establishment of at least two other normal schools, one at Salado and one at Marshall, and that Senate bills Nos. 61 and 158 do pass.

A. J. HARRIS, Minority of the Committee.

Bill read first time with majority and minority reports.

Senator Buchanan of Wood also submitted the following reports:

COMMITTEE ROOM,
AUSTIN, February 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Educational Affairs, to whom was referred Senate bill No. 205, entitled "An act to ascertain the amount due for school house lands, and for the building and rent of school houses thereon, prior to July 23, 1873, and also the amounts due school superintendents for services in the public free schools of the State from September 1, 1873, to thirty-first of August, 1876, and to provide for the payment of the same," have considered the same, and instruct me to report it back to the Senate with the recommendation that it do pass.

BUCHANAN of Wood, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 1, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Educational Affairs, to whom was referred Senate bill No. 159, entitled "An act to ascertain the amounts due county school superintendents and directors of the respective counties, for services rendered in the administration of the school law from September 1, 1875, to August 31, 1876, and to provide for the payment of the same," have considered the same, and instruct me to report it back to the Senate, with the recommendation that it do not pass, as it is fully covered by Senate bill No. 205.

BUCHANAN of Wood, Chairman.

Bill read first time.

Senator Gooch introduced a bill entitled "An act authorizing the Anglo-American Land and Claim Association to purchase, hold and acquire, and to sell or otherwise dispose

of real or personal property in the State of Texas." Referred to Committee on State Affairs.

Senator Ross, by request, introduced a bill entitled "An act to amend article 2378, Revised Statutes." Referred to Judiciary Committee No. 1.

Senator Martin of Navarro, introduced a bill entitled "An act to amend the stock law." Referred to Committee on Stock and Stockraising.

On motion of Senator Buchanan of Grimes, the engrossing clerk was excused on account of sickness.

The first special order, being Senate bill No. 102 (the general appropriation bill), was taken up, the question being the engrossment of the bill.

Senator Powers offered the following amendment: Amend page 9, under head of Quarantine, by adding thereto:

"For quarantine building, station and wharf, at Brazos de Santiago, \$6000; for quarantine building, station and wharf, at east end of Galveston island, \$8000; for quarantine station and building at Orange, \$5000."

Senator Stubbs offered the following as substitute for the amendment: Substitute for pending amendment:

"For construction and repairs of quarantine stations at east end of Galveston island, Brazos Santiago, Orange, Aransas Pass, and Pass Cavallo, and such other points as may be found necessary, \$16,000."

Senator Cooper moved that after the word "Orange," in the amendment, add "Sabine Pass."

Accepted, and the substitute as amended, adopted.

(Senator Tilson in the chair.)

Senator Powers moved to reconsider the vote just taken. Carried, and the substitute of Senator Stubbs adopted as an amendment to the bill.

(The President in the chair.)

Senator Lane offered the following amendment: Amend in Comptroller's department: On page 5 strike out lines 6, 9, 12, 15 and 18, and on page 6 strike out lines 1, 6 and 8, and insert in lieu thereof the following: "For assistant clerks, at an average of \$75 per month, 17,500, 17,500." Adopted.

Senator Swain offered the following amendment: On page 8, strike out line 4, and insert "fifteen assistants, at \$1000 each, 15,000, 15,000." Adopted.

Senator Harris offered the following amendment: General Land Office, line 2, page 8, strike out "2000, 2000," and insert "2400, 2400." Lost by the following vote:

YEAS—12.

Buchanan of Grimes,
Cooper,
Davenport,
Harris,

Homan,
Patton,
Powers,
Ross,

Shannon,
Stubbs,
Swain,
Terrell,

NAYS—14.

Buchanan of Wood,
Burgess,
Duncan,
Gooch,
Henderson,

Hightower,
Houston,
Lair,
Lane,
Lightfoot,

Martin of Navarro,
Tilson,
Weatherred,
Wynne.

NOT VOTING.

Martin of Cooke.

Senator Harris also offered the following amendment: Comptroller's office, in line 17, page 5, strike out "1500, 1500," and insert "1100, 1100." Lost by the following vote:

YEAS—7.

Buchanan of Wood,
Cooper,
Davenport,

Gooch,
Harris,

Ross,
Tilson.

NAYS—20.

Buchanan of Grimes,
Burgess,
Duncan,
Henderson,

Hightower,
Homan,
Houston,
Lair,

Lane,
Lightfoot,
Martin of Cooke,
Martin of Navarro,

Patton, Powers, Shannon,	Stubbs, Swain, Terrell, NOT VOTING. Rainey.	Weatherred, Wynne.
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Senator Lane moved to reconsider the vote adopting Senator Swain's amendment this morning. Motion carried and Senator Swain's amendment reconsidered by the following vote:

YEAS—15.		
Buchanan of Grimes, Buchanan of Wood, Cooper, Gooch, Harris,	Henderson, Lane, Lightfoot, Martin of Cooke, Martin of Navarro,	Powers, Shannon, Stubbs, Weatherred, Wynne.
NAYS—12.		
Burges, Davenport, Duncan, Hightower,	Homan, Houston, Lair, Patton,	Ross, Swain, Terrell, Tilson.

Amendment lost by the following vote:

YEAS—12.		
Buchanan of Grimes, Burges, Cooper, Davenport,	Duncan, Henderson, Homan, Patton,	Powers, Ross, Swain, Terrell.
NAYS—14.		
Gooch, Harris, Hightower, Houston, Lair,	Lane, Lightfoot, Martin of Cooke, Martin of Navarro, Shannon,	Stubbs, Tilson, Weatherred, Wynne.

NOT VOTING.

Buchanan of Wood.

Senator Shannon offer the following amendment: Strike out, in lines 8 and 13, page 15, the words "out of the available school fund."

Senator Duncan moved a call of the Senate. Call sustained.

Roll called; Senate full.

The vote was then taken and stood as follows:

YEAS—14.		
Buchanan of Wood, Burges, Davenport, Gooch, Henderson,	Homan, Houston, Lightfoot, Martin of Cooke, Patton,	Powers, Rainey, Shannon, Stubbs.
NAYS—14.		
Buchanan of Grimes, Cooper, Duncan, Harris, Hightower,	Lair, Lane, Martin of Navarro, Ross, Swain,	Terrell, Tilson, Weatherred, Wynne.

There being a tie vote, the President voted nay, and the amendment was lost.

Senator Henderson offered the following amendment: Amend educational department, page 15, by adding after line 13:

For the purpose of maintaining, supporting and instructing, free of charge, at the Agricultural and Mechanical College of Texas, one student from each representative district in this State, one-half of whom shall take an agricultural and the other half a mechanical course, \$3000, 8000, (out of general revenue.)

Lost.

Senator Shannon offered the following amendment: Strike out, in line 16, page 15, the words "all the ad valorem and occupation taxes," and insert "the general revenue." Adopted.

Senator Lane offered the following amendment: Amend by adding after last item in the bill:

For providing telephone stations and communications between Land Office, Comptroller's Office, Supreme Court building, Executive Mansion and the Capitol, \$300, \$300

Adopted.

Also, the following: Amend by adding to last line of bill as follows: "For paying Commission or Board of Veterans, \$1500." Adopted.

Senator Powers re-introduced his amendment of yesterday, which reads as follows:

Provided, that in the qualifications of students for admission into said schools, a knowledge of the Latin grammar, and of algebra shall not be requisite.

Adopted.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
AUSTIN, March 1, 1881.

To the Honorable Senate of the State of Texas:

Gentlemen—I respectfully ask your advice and consent to the following appointments:

B. F. Williams, of Young county, to be district judge of the Thirty-fourth Judicial District, and John F. Brim, of Young county, to be district attorney of said Thirty-fourth Judicial District.

Very respectfully,

O. M. ROBERTS, Governor.

Senator Henderson offered the following amendment: Amend educational department, page 15, after line 13, by inserting:

For the purpose of maintaining, supporting and instructing, free of charge, at the Agricultural and Mechanical College of Texas, one student from each representative district in the State, one-half of whom shall take an agricultural and the other half a mechanical course, out of general revenue, \$7500, \$7500.

Senator Shannon offered the following amendment to the amendment of Senator Henderson: Amend the amendment by striking out the words "out of the general revenue" and insert "out of the university fund." Adopted.

Senator Buchanan of Wood offered the following amendment: Strike out "one for each representative district" and insert "one for each representative in each representative district." Adopted.

Senator Henderson's amendment, as amended, was adopted by the following vote:

YEAS—25.		
Buchanan of Grimes, Buchanan of Wood, Burges, Cooper, Davenport, Duncan, Gooch, Harris, Henderson,	Hightower, Homan, Houston, Lair, Lane, Lightfoot, Martin of Navarro, Patton, Rainey,	Ross, Shannon, Stubbs, Swain, Terrell, Tilson, Weatherred, Wynne.

NAYS—none.

Senator Shannon offered the following amendment: In lines 12 and 13, page 15, strike out "building and repairs," and insert "for repairs of buildings, purchase of library, two mules, a wagon, and for miscellaneous purposes." Adopted.

Senator Wynne offered the following amendment: Amend by inserting in line 13, page 12, the following: "And said librarian shall keep open said library from 9 A. M. to 5 P. M. of every day, except Sunday; and when Supreme Court is in session, shall keep open from 7 A. M. to 10 P. M." Adopted.

Senator Lane offered the following amendment: Amend by adding the following section:

Section 2. That the near approach of the close of this session, and the fact that the State government is without any appropriation for its support, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and it is so enacted.

Adopted

Senator Homan offered the following amendment: Page 8, line 2, General Land Office, strike out "2000, 2000," and insert "2380, 2380." Adopted.

Senator Stubbs offered the following amendment: Amend Attorney-General's department, salary of assistant clerk, line 5, page 11, by substituting "1500, 1500" for "1000 1000." Lost.

Senator Stubbs moved to reconsider the vote just taken. Carried.

Amendment reconsidered and lost.

Senator Shannon moved that the Senate go into executive session to-morrow morning just after the morning call to consider the appointments by the Governor of district judge and district attorney of the Thirty-fourth Judicial District. Adopted.

Senator Lane moved the previous question on the pending bill. Motion seconded and main question ordered.

Senator Houston called up his motion made yesterday to reconsider the vote adopting the amendment raising the salary of the Superintendent of the Lunatic Asylum. Reconsidered by the following vote:

YEAS—15.

Burges,	Houston,	Ross,
Cooper,	Lair,	Shannon,
Davenport,	Patton,	Stubbs,
Gooch,	Powers,	Swain,
Homan,	Rainey,	Tilson.

NAYS—12.

Buchanan of Grimes,	Henderson,	Martin of Navarro,
Buchanan of Wood,	Hightower,	Terrell,
Duncan,	Lane,	Weatherred,
Harris,	Lightfoot,	Wynne.

NOT VOTING.

Martin of Cooke.

The amendment reads as follows: Amend under the head of Lunatic Asylum: Amend line 1 by striking out "2000, 2000," and inserting "2550, 2550."

The amendment was voted on and lost by the following vote:

YEAS—7.

Buchanan of Wood,	Lane,	Terrell,
Henderson,	Lightfoot,	Wynne.
Hightower,		

NAYS—18.

Buchanan of Grimes	Harris,	Powers,
Burges,	Homan,	Rainey,
Cooper,	Houston,	Ross,
Davenport,	Lair,	Shannon,
Duncan,	Martin of Navarro,	Swain,
Gooch,	Patton,	Tilson.

NOT VOTING—3.

Martin of Cooke, Stubbs, Weatherred.

The bill was ordered engrossed by the following vote:

YEAS—20.

Buchanan of Grimes	Hightower,	Stubbs,
Buchanan of Wood,	Homan,	Swain,
Burges,	Lair,	Terrell,
Davenport,	Lane,	Tilson,
Gooch,	Lightfoot,	Weatherred,
Harris,	Martin of Navarro,	Wynne.
Henderson,	Rainey,	

NAYS—7.

Cooper,	Patton,	Ross,
Duncan,	Powers,	Shannon.
Houston,		

NOT VOTING.

Martin of Cooke.

On motion of Senator Lane, rules were suspended and bill placed on its third reading by the following vote:

YEAS—25.

Buchanan of Grimes	Gooch,	Lair,
Buchanan of Wood,	Harris,	Lane,
Burges,	Henderson,	Lightfoot,
Cooper,	Hightower,	Martin of Navarro,
Davenport,	Homan,	Rainey,
Duncan,	Houston,	

Ross,
Shannon,
Stubbs,

Swain,
Terrell,
Tilson,

Weatherred,
Wynne.

NAYS—2.

Patton,

Powers.

NOT VOTING.

Martin of Cooke.

Bill read third time and passed by the following vote:

YEAS—21.

Buchanan of Grimes,	Hightower,	Rainey,
Buchanan of Wood,	Homan,	Stubbs,
Burges,	Lair,	Swain,
Davenport,	Lane,	Terrell,
Gooch,	Lightfoot,	Tilson,
Harris,	Martin of Navarro,	Weatherred,
Henderson,	Powers,	Wynne.

NAYS—0.

Cooper,
Duncan,

Houston,
Patton,

Ross,
Shannon.

NOT VOTING.

Martin of Cooke.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 1, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 178, "An act to prohibit the importation into this State, and the selling, exchanging or giving away, or the exhibiting or offering for sale, within this State, of certain deadly weapons," Senate bill No. 174, "An act to amend chapter 4, title 93, Revised Civil Statutes, relating to stocks;" substitute for Senate bill No. 131, "An act granting a land certificate of 1280 acres to each of the surviving soldiers of the Texas Revolution and the surviving signers of the Declaration of Texas Independence, and the surviving widows of such soldiers and signers; and to repeal an act approved April 26, 1879, entitled 'an act granting a land certificate of 640 acres to each of the indigent veterans who was engaged in the struggle for Texas independence prior to and at the battle of San Jacinto, enrolled under the act approved July 28, 1876,'" and find the same correctly engrossed.

BUCHANAN of Grimes, Chairman.

On motion of Senator Stubbs, the Senate adjourned till 3:30 P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment; the President in the chair.

Roll called; quorum present.

Senator Tilson entered motion to reconsider the vote by which Senate bill No. 117, "An act to amend article 245, chapter 2 of the Revised Civil Statutes, and to repeal article 247, chapter 2 of the Revised Civil Statutes," was passed.

Senator Davenport moved to adjourn until 9:30 to-morrow. Lost.

Senator Stubbs moved that Senator Patton's be the next name called under the rule, he being absent yesterday when his name was called. Adopted.

Senator Patton's name being called, he called up Senate bill No. 151, "An act amendatory of article 2607, chapter 12, title 47 of the Revised Civil Statutes of the State of Texas." Bill read second time with committee amendment.

Committee amendment adopted and bill ordered engrossed.

Senator Duncan moved to adjourn until 9:30 to-morrow. Lost.

Senator Rainey being next on the roll, called up Senate bill 197, "An act to amend article 358 of chapter 111 of the Penal Code of the State of Texas." Bill read second time and ordered engrossed.

Senator Lair moved to adjourn till to-morrow morning at 9:30. Lost by the following vote:

YEAS—10.

Cooper,	Houston,	Rainey,
Davenport,	Lair,	Terrell,
Duncan,	Patton,	Tilson,
Henderson,		Wynne.

NAYS—14.

Buchanan of Wood,	Lightfoot,	Stubbs,
Gooch,	Martin of Navarro,	Swain,
Harris,	Powers,	Tilson,
Hightower,	Ross,	Weatherred,
Lane,	Shannon,	

Senator Ross being next on the roll, called up Senate bill 211, "An act to authorize railroad companies incorporated by and under the laws of the State to exercise rights, franchises and privileges in other States." Bill read second time with amendments, the pending question being the adoption of committee amendments.

Senator Duncan moved a call of the Senate. Motion seconded and roll called. Absent, Senators Buchanan of Grimes, Burges, Martin of Cooke and Homan.

Senator Lightfoot moved to excuse Senator Martin of Cooke on account of sickness. Adopted.

Senator Davenport moved to excuse the other absentees. Adopted by the following vote:

YEAS—24.

Buchanan of Wood,	Houston,	Ross,
Cooper,	Lair,	Shannon,
Davenport,	Lane,	Stubbs,
Duncan,	Lightfoot,	Swain,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.

NAYS—none.

First committee amendment was adopted by the following vote:

YEAS—24.

Buchanan of Wood,	Houston,	Ross,
Cooper,	Lair,	Shannon,
Davenport,	Lane,	Stubbs,
Duncan,	Lightfoot,	Swain,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.

NAYS—none.

Second committee amendment adopted by the following vote:

YEAS—24.

Buchanan of Wood,	Houston,	Ross,
Cooper,	Lair,	Shannon,
Davenport,	Lane,	Stubbs,
Duncan,	Lightfoot,	Swain,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.

NAYS—none.

Senator Ross offered the following amendment:

Sec. 8. The near approach of the close of the session, and there existing, in the judgment of the Legislature, an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, the rule is hereby suspended; and that this act takes effect from and after its passage.

Adopted, and bill ordered engrossed.

Senator Martin of Navarro moved to suspend the rules and place the bill on third reading. Rules suspended by the following vote:

YEAS—18.

Buchanan of Grimes	Henderson,	Rainey,
Buchanan of Wood,	Lair,	Ross,
Cooper,	Lightfoot,	Shannon,
Davenport,	Martin of Navarro,	Stubbs,
Gooch,	Patton,	Weatherred,
Harris,	Powers,	Wynne.

NAYS—3.

Duncan,	Hightower,	Houston.
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NOT VOTING—3.

Lane,	Swain,	Terrell.
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Bill read third time and passed by the following vote:

YEAS—21.

Buchanan of Grimes	Houston,	Rainey,
Buchanan of Wood,	Lair,	Ross,
Cooper,	Lane,	Shannon,
Davenport,	Lightfoot,	Stubbs,
Gooch,	Martin of Navarro,	Tilson,
Harris,	Patton,	Weatherred,
Henderson,	Powers,	Wynne.

NAYS—2.

Duncan,	Hightower.
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NOT VOTING—2.

Swain,	Terrell.
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Senator Shannon being next on the roll, called up Senate bill No. 208, "An act to diminish the civil and criminal jurisdiction of the County Court of Grimes county, and to conform the jurisdiction of the district court of said county to such change."

Bill read second time.

Senator Buchanan of Grimes offered the following amendment: Amend by inserting after the word "Grimes," wherever it occurs in the bill or in the caption, "Montgomery and Karnes" and change the word "county" to "counties." Adopted and bill ordered engrossed.

Senator Duncan, for Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 1, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 223, "An act to establish the Thirty-sixth Judicial District, and to provide for the appointment of a district judge and district attorney therein, and to conform the Twenty-second and Twenty-fourth Judicial Districts thereto," and find the same correctly engrossed.

DUNCAN, for Committee.

Senator Buchanan moved to suspend the rules and place pending bill, No. 208, on its third reading.

Rules suspended by the following vote:

YEAS—24.

Buchanan of Grimes	Houston,	Ross,
Buchanan of Wood,	Lair,	Shannon,
Cooper,	Lane,	Stubbs,
Davenport,	Lightfoot,	Swain,
Duncan,	Martin of Navarro,	Terrell,
Gooch,	Patton,	Tilson,
Harris,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.

NAYS—none.

Bill read time and passed by the following vote:

YEAS—24.

Buchanan of Grimes	Houston,	Ross,
Buchanan of Wood,	Lair,	Shannon,
Cooper,	Lane,	Stubbs,
Davenport,	Lightfoot,	Swain,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.

Senator Stubbs being next on the roll, called up Senate bill No. 75, "An act for the protection of oysters and fish in salt and tide waters, and affixing penalties and providing for appointment of commissioners." Bill read second time, with substitute of committee, and substitute adopted.

Senator Stubbs offered the following amendment: Amend section 3, line 11, by inserting after the words "marketable size," the following:

It shall hereafter be unlawful to take or catch oysters in any of the waters of this State with or by a scoop, rake, drag or dredge, or by the use of any other instrument than the oyster tongs heretofore in general use for taking oysters.

Adopted.

Also, the following: Amend section 4, line 26, by inserting after the word "year," the following: "Or within said time to take up from their natural beds any oysters within the waters of this State for the purpose of planting or bed-ding the same." Adopted.

Also, the following: Amend section 6, line 18, by inserting after the word "August" the following: "or pos-session on board of a boat or vessel, or in an oyster shop, of a scoop, rake or other instrument forbidden by this act to be used in gathering oysters." Adopted.

Also, the following:

Section 9. The spawning season of fish and oysters being near at hand, causes an emergency which requires that this act go into im-mediate effect from and after its passage, and it is so enacted; and the approach of the close of the session and the large amount of legislative business creates an imperative public necessity which authorizes the suspension of the rule requiring bills to be read on three several days, and it is so suspended.

Adopted.

Senator Patton offered the following amendment: Add after "\$1000," "to be paid out of the county treasury of said county." Adopted, and bill ordered engrossed.

On motion of Senator Stubbs rules were suspended and bill placed on its third reading by the following vote:

YEAS—26.

Buchanan of Grimes,	Houston,	Ross,
Buchanan of Wood,	Lair,	Shannon,
Cooper,	Lane,	Stubbs,
Davenport,	Lightfoot,	Swain,
Gooch,	Martin of Navarro,	Terrell.
Harris,	Patton,	Tilson,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.
Homan,		

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—25.

Buchanan of Grimes	Houston,	Ross,
Buchanan of Wood,	Lair,	Shannon,
Cooper,	Lane,	Stubbs,
Davenport,	Lightfoot,	Swain,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.
Homan,		

NAYS—none.

Senator Davenport, by leave, presented a petition of citi-zens of Llano county, protesting against said county being changed from the judicial district in which it now is. Re-ferred to Committee on Judicial Districts.

Senator Lane, by leave, introduced a bill entitled "An act to enforce section 8, article 10, of the Constitution of the State of Texas." Referred to Judiciary Committee No. 1.

Senator Swain, being next on the roll, called up Senate joint resolution No. 31, proposing an amendment to article

16, section 20, of the Constitution of the State of Texas. Joint resolution read second time.

Senator Swain offered the following amendment: "The importation into and the manufacture or sale within this State of intoxicating liquors as a beverage is prohibited; *provided*, that the Legislature may exempt beer and native wines unmixed with alcoholic liquors from the provisions of this section, and the Legislature shall at the first session after the adoption of this amendment enact laws to carry out the provisions hereof."

Senator Gooch moved to amend the amendment by strik-ing out the words "as a beverage."

Senator Terrell moved a call of the Senate; call seconded.

Roll called; absent—Senators Burges, Cooper and Dun-can.

On motion of Senator Lane, the Senate adjourned until 9:30 A. M. to-morrow.

FORTY-THIRD DAY.

SENATE CHAMBER, }
AUSTIN, March 2, 1881. }

Senate met pursuant to adjournment; President in the chair.

Roll called; quorum present.

Prayer by Rev. Mr. Brown, Chaplain of the House.

On motion of Senator Swain, the reading of the journal of yesterday was dispensed with, and the same adopted.

On motion of Senator Buchanan of Grimes, the Engross-ing Clerk, A. M. Belvin, was excused for the remainder of the week on account of sickness.

On motion of Senator Davenport, Senators Duncan and Gooch were excused till 3 o'clock P. M.

Senator Powers presented a petition of citizens of LaSalle county for the passage of laws authorizing sheriffs to call on Texas Volunteer Guards to aid in service of criminal process in cases of necessity. Referred to Committee on Frontier Protection.

Senator Moore presented a petition of 100 citizens of Bas-trop county, asking for a constitutional amendment pro-hibiting the importation, manufacture and sale of intoxi-cating liquors in the State of Texas. Referred to Commit-tee on Constitutional Amendments.

Senator Patton, chairman of Committee on State Affairs, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, March 1, 1881.

Hon. L. J. Storey, President of the Senate.

Your Committee on State Affairs have examined Senate bill No. 210 entitled "An act to prohibit the sale of spirituous, vinous or other intoxicating liquors within five miles of Grapeland Academy, located at the town of Grapeland, county of Houston," and they direct me to return the same to the Senate, with the recommenda-tion that it do pass.

PATTON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 1, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Affairs have considered Senate bill No. 223 entitled "An act to regulate the appointment and define the duties of notaries public," and they direct me to report the same back to the Senate, with the recommendation that it do pass.

PATTON, Chairman.

Bill read first time.

Senator Harris, chairman of Senate committee to act jointly with House committee in visiting and examining the Agricultural and Mechanical College and State nor-mal schools, submitted the following report: